UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/C.5/52/23
21 November 1997

ORIGINAL: ENGLISH

Fifty-second session
FIFTH COMMITTEE
Agenda items 116 and 147

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1998-1989

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-NINTH SESSION

Programme budget implications of draft resolution A/C.6/52/L.15 and Corr.1

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. At its 32nd meeting, on 19 November 1997, the Sixth Committee considered draft resolution A/C.6/52/15 and Corr.1. All operative paragraphs of draft resolution A/C.6/52/L.15 and Corr.1, with the exception of operative paragraphs 10 and 11, were adopted without a vote. Paragraphs 10 and 11 were adopted by a vote of 76 in favour, 1 against and 9 abstentions. A statement of programme budget implications was before the Committee in document A/C.6/52/L.20.

2. By operative paragraphs 10 and 11 of the draft resolution, the General Assembly would:

(a) Take note of the comments of the International Law Commission on the question of a split session for 1998, as presented in paragraphs 225 to 227 of its report;[1]

(b) Take note also of the position of the International Law Commission contained in paragraph 228 of its report on the duration of its future sessions.

B. Relationship of the proposed requests to the medium-term plan for the period 1998-2001 and to the proposed programme of work for the biennium 1998-1999

3. The above requests relate to subprogramme 4.3, Progressive development and codification of international law, of programme 4, Legal affairs, of the medium-term plan for the period 1998-2001, and section 6, Legal affairs, of the proposed programme budget for the biennium 1998-1999.

C. Activities by which the proposed requests would be implemented

4. In paragraphs 226 and 227 of the report of the International Law Commission on the work of its forty-ninth session, the Commission considered the question of a split session for 1998 (eight weeks in Geneva and three weeks in New York), stating its preference to hold the second part of its session also in Geneva, but noting that, at the time of its consideration, the services for summary records would not be available in August at Geneva. The question of a split session would have thus necessitated an exception to the arrangements established by the General Assembly in its resolution 40/243 of 18 December 1985, in which it is stated that the sessions of the International Law Commission shall be held at the United Nations Office at Geneva. In paragraph 228 of the same report, the Commission also considered that it should have an 11-week session in 1998 and a 12-week session in 1999, having due regard to its work programme for the quinquennium and the complexity of the topics under its consideration.

5. In view of developments in conference servicing, the Secretariat now indicates it would be able to provide summary records in August for the second part of the 1998 session at Geneva. Accordingly, the estimates that follow take into account the possibility that the General Assembly may wish to determine whether the International Law Commission session in 1998 will be held partly in Geneva and partly in New York or wholly in Geneva. Thus, two sets of costing figures are provided in paragraphs 7 and 8 below to assist in the choice between these options.

D. Estimated requirements for the period from 1 January 1998 to 31 December 1999

6. In its budget proposals for the biennium 1998-1999, the Secretariat requested provision for two 10-week sessions at Geneva, with an indication that, at its 1997 session, the Commission would consider whether it would have a split session (5 weeks in Geneva and 5 weeks in New York). It was considered that such a split session would affect the cost only marginally. The proposal for the two 10-week sessions at Geneva was estimated to require $1,851,100 for travel of members and staff and for honoraria for the members.

7. In the light of the possibility that the Commission will hold an 11-week split session solely in Geneva in 1998 and a 12-week session in 1999, there would be an additional requirement of $275,528 for the biennium 1998-1999, of which $157,815 represents the increase in 1998 and $117,713 the increase in

1999. Details of the cost estimates are contained in annex I to the present document.

8. However, should the question of a split session in 1998 be considered, where the first part of the session would be held at Geneva (8 weeks) and the second part in New York, there would be an additional requirement of $245,200 for the biennium 1998-1999, of which $127,500 represents the increase in 1998 and $117,700 the increase in 1999. Consideration of holding a part of a session of the substantive sessions of the International Law Commission away from the United Nations Office at Geneva would also constitute an exception to the arrangements established by the General Assembly in its resolution 40/243. Details of the cost estimates under these circumstances are contained in annex II to the present document.

E. Potential for absorption

9. As indicated in paragraph 6 above, substantive servicing of the International Law Commission sessions has been included in the proposed programme budget for the biennium 1998-1999 to the extent of two 10-week sessions, one in 1998 and the other in 1999. In connection with conference-servicing requirements, the proposed programme budget for the biennium 1998-1999 includes provision, not only for meetings already in the calendar of conferences, but also for meetings to be added later by decisions of the General Assembly, provided that the number and distribution of meetings is consistent with the pattern in previous years. On this basis, it is not anticipated that additional resources would be required by conference services. However, total additional resources in the amount of $275,600 would be required for substantive servicing in the biennium 1998-1999 should all the sessions of the Commission be held at Geneva, as indicated in paragraph 7 above. Alternatively, total additional resources in the amount of $245,200 would be required in the biennium 1998-1999 under the conditions outlined in paragraph 8 above.

F. Action required by the General Assembly

10. Accordingly, should the General Assembly adopt draft resolution A/C.6/52/L.15 and Corr.1 on the basis that all sessions of the Commission would be held at Geneva (see annex I), an additional requirement of $275,500 would arise under the proposed programme budget for the biennium 1998-1999. Should the General Assembly adopt draft resolution A/C.6/52/L.15 and Corr.1 on the basis that part of its sessions would be held away from the United Nations Office at Geneva (see annex II), an additional requirement of $245,200 would arise. This second option would also require an exception to General Assembly resolution 40/243, in which it is stated that the sessions of the International Law Commission shall be held at the United Nations Office at Geneva.

Notes

[1] Official Records of the General Assembly, Fifty-second Session, Supplement No. 10 (A/52/10).

ANNEX I

Cost requirements

1998: 11 weeks at Geneva

1999: 12 weeks at Geneva

	Estimated costs	
	1998 (11 weeks)	1999 (12 weeks)
Conference-servicing costs provided for under section 27E of the proposed programme budget for the biennium 1998-1999		
Meeting servicing and interpretation	700 500	772 300
Pre-session documentation	344 400	348 200
In-session documentation	386 400	390 700
Post-session documentation	257 400	260 200
Summary records	1 448 600	1 464 500
Office of General Services requirements	24 800	27 300
Total conference-servicing costs	3 162 100	3 263 200
Other requirements		
Travel and per diem of members	820 700	793 300
Honoraria for members	116 000	116 000
Travel and per diem of secretariat staff	121 700	109 000
Travel of the Chairman	25 000	25 000
Total other requirements	1 083 400	1 043 300
Less: Provision in the proposed programme budget for the biennium 1998-1999, section 6, Legal affairs	925 500	925 600
Net resources required under section 6 of the proposed programme budget for the biennium 1998-1999	157 900	117 700

ANNEX II

Cost requirements

1998: 8 weeks at Geneva and 3 weeks in New York

1999: 12 weeks at Geneva

	Estimated costs	
	1998 (11 weeks)	1999 (12 weeks)
Conference-servicing costs provided for under section 27E of the proposed programme budget for the biennium 1998-1999		
Meeting servicing and interpretation	704 200	772 300
Pre-session documentation	362 100	348 200
In-session documentation	386 400	390 700
Post-session documentation	271 200	260 200
Summary records	1 472 000	1 464 500
Office of General Services requirements	83 400	27 300
Total conference-servicing costs	3 279 300	3 263 200
Other requirements		
Travel and per diem of members	817 100	793 300
Honoraria for members	116 000	116 000
Travel and per diem of secretariat staff	94 900	109 000
Travel of the Chairman	25 000	25 000
Total other requirements	1 053 000	1 043 300
Less: Provision in the proposed programme budget for the biennium 1998-1999, section 6, Legal affairs	925 500	925 600
Net resources required under section 6 of the proposed programme budget for the biennium 1998-1999	127 500	117 700